Edn. & P.H. (1937) Department.

B SERIES.

G.O. No. 4119 P.H

Dated 7-11-35

[Despatch Abstract]

Appeal - Mangalore Municipal Council - M. J. Pinto, Births and Death Registrar - Against termination of probation as Sanitary Inspector - Interference declined.

SECRETARY TO GOVERNMENT
14 AUG 1939
LOCAL ADMINISTRATION DEPT.
15 AUG 1939

To

The Secretary to the Government of Madras,
Local Self Government, Madras.

33304

Respectfully submitted through the
Commissioner, Mangalore Municipality,
and
The Municipal Health Officer,
Mangalore.

L.A. Dept

E & P Hlth. C.

The appeal petition submitted by M.J. Pinto, Registrar of Births and Deaths attached to the Municipal Health Department, Mangalore.

Most Respectfully Sheweth,

This is only an advance copy — the receipt of the original may be awaited — MM 22-9-39

That your Appellant who is a fully qualified Sanitary Inspector, was entertained as a Registrar of Births and Deaths in the Mangalore Municipality in an additional permanent vacancy on the 8th June 1936 and continued to act in the Municipal Health Department till 13th May 1939 when a two month's leave-vacancy of a Sanitary Inspector's post occurred and appellant was appointed to the said vacancy. Both as a Registrar of Births and Deaths and as Ag. Sanitary Inspector he worked to the best of his abilities and was never warned in writing or fined or otherwise punished. While working as a Sanitary Inspector in the acting vacancy, the Sanitary Inspector extended his leave by another month and under ordinary circumstances, your Appellant ought to have continued but the Municipal Health Officer, who did not expect the Sanitary Inspector to extend his leave, abruptly and suddenly terminated the services of appellant as Sanitary Inspector and, reverted him to his permanent post as Births and Deaths Registrar on 24th July 1939 and in his place appointed a much junior of the appellant. There is no doubt that this course was adopted for a purpose

and with a motive, as will be clear from what this appellant has submitted in detail in the enclosed printed copy of the appeal submitted by him to the Council on 25th July 1939. The Municipal Commissioner however in his L.Dis.No.10673/39 dated 29-7-1939 has informed appellant that the appeal will not be placed before the Council. (Order enclosed). That it must be remembered that appellant has put in a continued service without break of over 2 years in the superior service of the Health Department. That the Municipal Health Offi cer could not possibly terminate appellant's services, without giving him a bad name and condemning him, though the records of his service in the offic justify no such arbitrary action, and condemnation.

That the Municipal Health Officer has no only without justifiable cause or reason terminate his services as Sanitary Inspector and has thus ob tructed the way of his promotion for all time but in addition to that, poured on his innocent head r marks which if allowed to remain unprotested will completely ruin his career.

The Government on a perusal of the accom panying copy of his appeal to the Council will be pleased to see that under most offending and insul ting methods adopted by the Municipal Health Offic this appellant collected unusual patience, behaved with the least offence and submitted himself to the most humiliating treatment offered in the presence of the whole Health Staff with extraordinary tolerance and spirit of obedience.

That your Appellant most humbly submits that the observation of the Municipal Health Offi-

cer in his order R.Dis.1084/H.I/39 terminating appellant's Ag. vacancy as Sanitary Inspector that "neither the work nor conduct of Mr. M.J. Pinto is satisfactory" is unwarranted, unjustified and without any valid reason whatsoever and is likely to ruin appellant's future prospects and career and the more so Health Officer's remarks about appellant's character which has always been - even under most offending circumstances - above board and beyond any scope for adverse comments. Appellant need hardly submit in all humility that in robbing his character he is robbed of an asset which neither money nor influence could ever purchase and as such the greatest injustice has been done to him most deliberately. Appellant has explained in detail the charge of the Municipal Health Officer about the Horracks apparatus and the chlorination of wells in his appeal to the Council. (Copy submitted enclosed). The motive behind this charge will be patent when it is remembered that a statement is taken and this charge is framed just a day before the expiry of the Sanitary Inspector's original leave.

In these circumstances, Appellant most respectfully implores that Government may be pleased to send for the connected papers and to direct that the termination of his services as Sanitary Inspector for no valid reason whatsoever by the Municipal Health Officer, be cancelled and he be allowed to continue in the acting vacancy until it lasts and the words attacking his character be deleted from the order, appealed against.

For which act of justice and mercy, appellant shall ever feel grateful.

(Sd.) M. J. Pinto.

Mangalore,
11- 8-1939.

I am copy respectfully submitted direct. The original is sent today through the proper channel
M J Pinto

L. Dis.No.10673/39.

Mangalore Municipality.

Memorandum.

Reference:- Establishment- Registrar of Births and Deaths - Mr. M. J. Pinto - copy of printed petition to the Chairman-in-Council- orders passed.

No petition lies to the Council against orders terminating probation, your "representation" dated 25th July 1939 to the"Chairman-in-Council"will not therefore be placed before the Council.

Municipal Office,
Mangalore, 29-7-39.
H.Dis.31/7/A.

(Sd.) Narayana Shenoi,
Commissioner, M. M.

To

Mr. M. J. Pinto, Births & Deaths Registrar, through the Municipal Health Officer.

Copy to the Municipal Health Officer.

Forwarded.

(Sd.) B. Subraya Baliga,
Municipal Health Officer.

1-8-1939.

(True Copy.)

M J Pinto

To

The Chairman in Council,
Mangalore Municipality,
MANGALORE.

Submitted through the Municipal Health Officer,
Mangalore.

The representation submitted by M. J. Pinto,
Registrar of Births & Deaths, Mangalore.

Gentlemen,

Permit me please to narrate the history of my service under the Muncipality before I enter into the most unfortunate and sad treatment that is being accorded to me for no fault of mine.

After qualifying myself for a Sanitary Inspector's post, I joined service under this Municipality on 8th June 1936 as Registrar of Births and Deaths, as at the time there was no vacancy of Sanitary Inspector's post. While I was thus working, a short vacancy of about two and a half month's duration of the Sanitary Inspector's post occured. The then Health Officer some how or other wanted to oblige a Station Master, a native of Malabar by bringing in his brother, also a qualified Sanitary Inspector then unemployed. Your goodselves will easily realise that the Health Officer could not possibly oblige his friend without condemning me and declaring me as unfit for the job. Though the Health Officer did not know the new candidate or his antecedants he did not hesitate to condemn me, most unjustly and recommend the Malayalee for the vacancy much against probably the voice of his own conscienee, as he expressed himself to me, later on with regret.

This appointment however was brought to the notice of the Council and after a thorough discussion, it was condemned by the then Council and at the expiry of the term of leave, the new incumbent was relieved and a resolution was passed against the appointment of an outsider, while qualified hands are available locally. The next vacancy occurred on 13th May 1939 Sanitary Inspector Mr. Duggappa Shetty having availed himself of two months' medical leave and the present M. H. O. unavoidably appointed me to that vacancy though he had another candidate in readiness for the post in the person of R. W. Nayak who was and is serving as a Vaccinator under the District Board Mr. Shetty extended his leave by another month and the existing arrangements were then allowed to continue. While the extended leave of Mr. Duggappa Shetty was nearing its end, another Sanitary Inspector Mr. Sheik Ahamed applied for 4 month's leave. On receipt of this application the M. H. O. tried to make himself sure that Mr. Duggappa Shetty would rejoin duty in which case he thought I naturally revert to my permanent post and very likely the present Municipal H. O. wanted to pave the way to bring in R. W. Nayak to act in a long vacancy of Mr. Sheik Ahmed and with this end in view on the 21st inst. Friday (The next day was Free Saturday 23rd was Sunday and on 24th the leave of Mr. Shetty was to expire) called me and took down a statement regarding the methods of Chlorinating wells and he also questioned me about Horracks apparatus. I answered all his questions but he would not write down my answers exactly as I gave and I objected to sign the statement and I submitted, that the statement written down by the M. H. O. needed corrections, as my answers were found twisted.

He then tried to induce me to sign assuring that he meant no harm to me and when insisted on certain corrections before I could sign, he threatened me so very fiercely I was completey upset and began to tremble and as I smealt danger ahead I refused to sign. Then he asked another Sanitary Inspector to write on my statement "the man trembled and could not sign".

On the day Mr. Duggappa Shetty was to join duty to the very great disappointment of the M. H. O. and to the total upsetting of his preconceived programme, Mr. Shetty sent in a further medical certificate and applied for further extension of a month. Finding the expectation of the automatic reversion of myself being frustrated he took advantage of the statement he had recorded from me the previous Friday drew up proceedings condemning me and passing strictures on my character on most baseless and filmsy grounds & thus reverting me as unfit for the post of a Sanitary Inspector. I need hardly submit this is nothing short of cruelly murdering me to find a place for another. I am sorry that I should be in the necessity of writing against my own officer but I have no other alternative except stating bare facts or submitting myself to electricution.

Some time back this Health Officer grew into a rage for no reason whatsoever and came chasing me out of the building as if I were a cooly and yet I submitted myself to this humiliation without any protest. No one knows whether there is a Horracks apparatus in this Office and I have not seen any Inspector using the same. I have always taken food samples correctly and there was no occasion to find fault with me except on one occasion when I took sample of ghee from a Konkani merchant which the M. H. O. did not like and cancelled the same.

The Sanitary Inspector's appointment under the Rules is to be made by the Appointment Committee and the Health Officer, I submit, is wrong in terminating my services without refering to the Committee and thus depriving me the right of placing all facts before the Committee. The Health Officer has also himself appointed Mr. J. B. Lobo as S. I. whom he had recently relieved, still keeping in service one of his juniors—an outsider. The present arrangement looks to be one of a stop gap nature as Mr. Nayak is in the service of the Dt. Board and will need time for his relief. Mr. Nayak's application however is now with the M. H. O. who has declined to lodge the paper even though the Commissioner directed its lodging.

I am appealing to your sense of justice of fair play as Congress Councillors, as ladies and gentlemen pledged to stand by the poor man against all acts of injustice and implore you to call for the papers and enquire into the matter and render justice to me. I submit that the matter is very urgent and as I am stunned by this unjust order, I find myself in a confused and week state of mind and I have therefore applied for leave pending final orders in my case by the Council.

I beg to remain,
Gentlemen,
Your most Obedient Servant,
(Sd.) M. J. Pinto

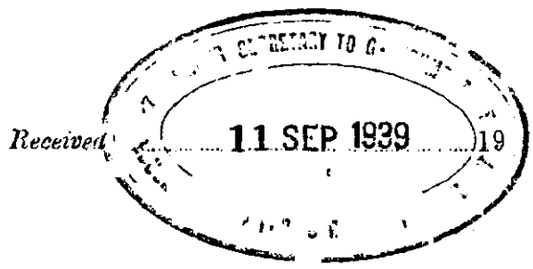
Mangalore,
25—7—1939

True Copy.
M. J. Pinto
11/8/39.

1000— 25-7-1939 — Kohinoor Press Mangalore

C.F. 30.

DEPARTMENT



Received 19

37563

Registered 19

Subject.

ESTABLISHMENT - Public Health - Termination of probation of Sanitary Inspector Mr. M.J.Pinto - Appeal - submitted.

****

Enclosures.

No. ...

...

Spare copies ...

Ref. C. No. 2607-A1/39.

Station MANGALORE, ..., Dated the 8th September ... 1939.

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,

(Designation) Commissioner, Mangalore Municipality Mangalore.

To The Secretary to the Government of Madras,

PUBLIC HEALTH Department.

FORT ST. GEORGE, MADRAS.

Through:-

Sir,

The Chairman,
Municipal Council, Mangalore.

I submit herewith an appeal from Mr. M.J.Pinto, Birth and Death Registrar against the orders passed by the Municipal Health Officer under section 14 of the Public Health Act terminating his probation as Sanitary Inspector for misconduct and inefficiency and reverting him as Birth & Death Registrar. The orders were passed during the period of probation with my approval and in order to remove any doubt if the Health Officer had powers or not under section 14 of the Public Health Act, I had delegated my powers of

disciplinary

disciplinary control to the Health Officer. Under Explanation I (i) to rule 4 of the Punishment Rules, appended to G.O.No.3648 L.S.G., dated 18th August 1936, the discharge or reversion to a lower post of a person appointed on probation during the period of probation does not amount to removal or dismissal and no appeal lies to Government under rule 8 in such matters. It is not clear if in such matters with any so called appeal received, the relevant original papers should be submitted to Government. I am however submitting copies of a few relevant papers. The original papers will be submitted, if called upon.

The appellant is a qualified Sanitary Inspector and was appointed as a probationary Birth & Death Registrar in June 1936. He was found wanting as a Birth & Death Registrar and the predecessor of the present Health Officer could not recommend him for an acting place of a Sanitary Inspector and on merits therefore he recommended another for appointment. The present Health Officer felt that this Mr. Pinto should be given a chance as Sanitary Inspector though his work as Birth & Death Registrar continued to be bad and he accordingly sought approval for his entertainment as Sanitary Inspector when a leave vacancy occured in May 1939. I had my own misgivings if Mr. Pinto who stood condemned by a previous Health Officer deserved to be given a trial, but did not wish to differ from the Health Officer. Mr. Pinto was accordingly appointed as Sanitary Inspector in May 1939, but that the very Health Officer who was kind enough to give him a chance to encourage him had to record in less than three months that neither his work nor conduct was satisfactory shows the extent of inefficiency and misconduct of the probationer. His probation was accordingly terminated and as required by rule 7(2) of the establishment rules appended to G.O.No.2342 L.S.G., dated 2nd June 1936, the reasons for the termination of probation have been specified in writing and the statutory provisions therefore

strictly complied with. A copy of the Health Officer's letter dated 24th July 1939 with that of my reply endorsement is enclosed. It will be observed that the reasons for termination are sound ones. Mr. Pinto who was condemned before by Dr. Siva Ramayya was given a chance by the present Health Officer Dr. Subraya Baliga, but both on account of his inefficiency and misconduct, his probation was rightly terminated. As pointed out in paragraph one above, no appeal lies to Government. Even if it is to be treated as a memorial petition to Government, under rule XVII (13) (a) of the petition rules appended to G.O.No.271 Public (Service) dated 4th February 1937, communicated in Endorsement No.7379-1-Al L.S.G., dated 22nd March 1937, the petition should be summarily rejected as it is a representation against the discharge from service of a person appointed on probation, during such probation. I therefore request that the Government may decline to interfere in the matter.

3 Along with the so-called appeal, Mr.Pinto has enclosed a printed appeal submitted by him to the Council and broadcasted to the members. No appeal lay to the Council and under G.O.No. Ms.1973 L.A., dated 18.5.1939 it could not be placed before the Council. I do not consider it necessary to deal with the several baseless allegations and untruths contained therein, but to the main allegations in paragraphs 2 and 3 thereof I must refer. He alleges that previously in March 1937 his claims for appointment as Sanitary Inspector were overlooked by Dr.Siva Ramayya the then Health Officer becuase he (an Andhra) wanted to oblige a Malayalee Station Master, that this he did against his conscience and what more this Dr. Siva Ramayya, a First class Health Officer is alleged to have gone to Mr. Pinto and confessed the whole thing and apologised! This is too bitter a pill to swallow, and I have the authority of Dr. Siva Ramayya to state that Mr. Pinto was not appointed as Sanitary Inspector as he was unfit and that Mr. Pinto's present allegations are baseless and mischievous. And in

paragraph 3, he alleges that the present Health Officer unavoidably appointed him as per Council Resolution though he had another candidate in readiness. This is also untrue. There is no resolution of the Council that Pinto should be appointed as Sanitary Inspector and even if there is one it is obivously not binding on the Health Officer or myself. Pinto stood condemned and he need not be tried as Sanitary Inspector, if as alleged, the Health Officer had another candidate in readiness. I do not think a municipal servant has the license to make such and similar calumnous and mischievous allegations against their superior officers. Nor does it appear proper that the "appellant" should circulate printed matter to members of the Council and appeal to a section thereof (the Congress Councillors though in a great majority, yet form only a section of the Council) as he has done in the last paragraph of the printed petition to the Council. Whether any action is to be taken in this regard is engaging the separate attention of the Health Officer.

4 I request the Government may decline to ~~interfere~~ in the matter.

Murarji Ananthaiah
2.9.09.
Commissioner, M.M.

F o r w a r d e d

In this reference a matter of principle is involved. Mr Pinto's work has been found to be quite unsatisfactory by two Officers under whom he worked. He has made no honest attempt to improve and give satisfaction. On the other hand he has made unfounded allegations against the officers themselves. In order to maintain efficiency and discipline it is necessary that proper action should be taken. I have no hesitation in saying that the Commissioner & the Health Officer did the right thing purely in the interest of proper administration and they were not actuated by any bad motive. The petition deserves to be rejected.

Bangalore,) ~~Chairman, M.C.~~
Dated:)

B. Venkataraw Balega
Chairman M.C.

ST.9.9a

Compd/ 4/9/9.

To

The Secretary to the Government of Madras,
Local Self Government, Madras.

Respectfully submitted through the
Commissioner, Mangalore Municipality,
a n d
The Municipal Health Officer,
Mangalore.

The appeal petition submitted by M.J.Pinto, Registrar of Births and Deaths attached to the Municipal Health Department, Mangalore.

Most Respectfully Sheweth,

That your Appellant who is a fully qualified Sanitary Inspector, was entertained as a Registrar of Births and Deaths in the Mangalore Municipality in an additional permanent vacancy on the 8th June 1936 and continued to act in the Municipal Health Department till 13th May 1939 when a two month's leave-vacancy of a Sanitary Inspector's post occurred and appellant was appointed to the said vacancy. Both as a Registrar of Births and Deaths and as Ag. Sanitary Inspector he worked to the best of his abilities and was never warned in writing or fined or otherwise punished. While working as a Sanitary Inspector in the acting vacancy, the Sanitary Inspector extended his leave by another month and under ordinary circumstances, your Appellant ought to have continued but the Municipal Health Officer, who did not expect the Sanitary Inspector to extend his leave, abruptly and suddenly terminated the services of appellant as Sanitary Inspector and reverted him to his permanent post as Births and Deaths Registrar on 24th July 1939 and in his place appointed a much junior of the appellant. There is no doubt that this course was adopted for a purpose

and with a motive, as will be clear from what this appellant has submitted in detail in the enclosed printed copy of the appeal submitted by him to the Council on 25th July 1939. The Municipal Commissioner however in his L.Dis.No.10673/39 dated 29-7-1939 has informed appellant that the appeal will not be placed before the Council. (Order enclosed). That it must be remembered that appellant has put in a continued service without break of over 2 years in the superior service of the Health Department. That the Municipal Health Officer could not possibly terminate appellant's services, without giving him a bad name and condemning him, though the records of his service in the office justify no such arbitrary acation, and condemnation.

That the Municipal Health Officer has not only without justifiable cause or reason terminated his services as Sanitary Inspector and has thus obstructed the way of his promotion for all time but in addition to that, poured on his innocent head remarks which if allowed to remain unprotested will completely ruin his career.

The Government on a perusal of the accompanying copy of his appeal to the Council will be pleased to see that under most offending and insulting methods adopted by the Municipal Health Officer, this appellant collected unusual patience, behaved with the least offence and submitted himself to the most humiliating treatment offered in the presence of the whole Health Staff with extraordinary tolerance and spirit of obedience.

That your Appellant most humbly submits

that the observation of the Municipal Health Officer in his order R.Dis.1084/H.I/39 terminating appellant's Ag. vacancy as Sanitary Inspector that "neither the work nor conduct of Mr. M. J. Pinto is satisfactory" is unwarranted, unjustified and without any valid reason whatsoever and is likely to ruin appellant's future prospects and career and the more so Health Officer's remarks about appellant's character which has always been--even under most offending circumstances - above board and beyond any scope for adverse comments. Appellant need hardly submit in all humility that in robbing his character he is robbed of an asset which neither money nor influence could ever purchase and as such the greatest injustice has been done to him most deliberately. Appellant has explained in detail the charge of the Municipal Health Officer about the Horracks apparatus and the chlorination of wells in his appeal to the Council (Copy submitted enclosed). The motive behind this charge will be patent when it is remembered that a statement is taken and this charge is framed just a day before the expiry of the Sanitary Inspector's original leave.

In these circumstances, Appellant most respectfully implores that Government may be pleased to send for the connected papers and to direct that the termination of his services as Sanitary Inspector for no valid reason whatsoever by the Municipal Health Officer, be cancelled and he be allowed to continue in the acting vacancy until it lasts and the words attacking his character be deleted from the order, appealed against.

For which act of justice and mercy, appe-

llant shall ever feel grateful.

Mangalore,
11-8-1939.

B. Pinto.

Enclosures two

1118

To

The Chairman in Council,
Mangalore Municipality,
MANGALORE.

Submitted through the Municipal Health Officer,
Mangalore.

The representation submitted by M. J. Pinto,
Registrar of Births & Deaths, Mangalore.

Gentlemen,

Permit me please to narrate the history of my service under the Municipality before I enter into the most unfortunate and sad treatment that is being accorded to me for no fault of mine.

After qualifying myself for a Sanitary Inspector's post, I joined service under this Municipality on 8th June 1936 as Registrar of Births and Deaths, as at the time there was no vacancy of Sanitary Insepector's post. While I was thus working, a short vacancy of about two and a half month's duration of the Sanitary Inspector's post occured. The then Health Officer some how or other wanted to oblige a Station Master, a native of Malabar by bringing in his brother, also a qualified Sanitary Inspector then unemployed. Your goodselves will easily realise that the Health Officer could not possibly oblige his friend without condemning me and declaring me as unfit for the job. Though the Health Officer did not know the new condidate or his antecedants he did not hesitate to condemn me, most unjustly and recommend the Malayalee for the vacancy much against probably the voice of his own conscience, as he expressed himself to me, later on with regret.

This appointment however was brought to the notice of the Council and after a thorough discussion, it was condemned by the then Council and at the expiry of the term of leave, the new incumbent was relieved and a resolution was passed against the appointment of an outsider, while qualified hands are available locally. The next vacancy occurred on 13th May 1939 Sanitary Inspector Mr. Duggappa Shetty having availed himself of two months' medical leave and the present M. H. O. unavoidably appointed me to that vacancy though he had another candidate in readiness for the post in the person of R. W. Nayak who was and is serving as a Vaccinator under the District Board Mr. Shetty extended his leave by another month and the existing arrangements were then allowed to continue. While the extended leave of Mr. Duggappa Shetty was nearing its end, another Sanitary Inspector Mr. Sheik Ahamed applied for 4 month's leave. On receipt of this application the M. H. O. tried to make himself sure that Mr. Duggappa Shetty would rejoin duty in which case he thought I naturally revert to my permanent post and very likely the present Municipal H. O. wanted to pave the way to bring in R. W. Nayak to act in a long vacancy of Mr. Sheik Ahmed and with this end in view on the 21st inst. Friday (The next day was Free Saturday 23rd was Sunday and on 24th the leave of Mr. Shetty was to expire) called me and took down a statement regarding the methods of Chlorinating wells and he also questioned me about Horracks apparatus. I answered all his questions but he would not write down my answers exactly as I gave and I objected to sign the statement and I submitted, that the statement written down by the M. H. O. needed corrections, as my answers were found twisted.

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I am appealing to your sense of justice of fair play as Congress Councillors, as ladies and gentlemen pledged to stand by the poor man against all acts of injustice and implore you to call for the papers and enquire into the matter and render justice to me. I submit that the matter is very urgent and as I am stunned by this unjust order, I find myself in a confused and week state of mind and I have therefore applied for leave pending final orders in my case by the Council.

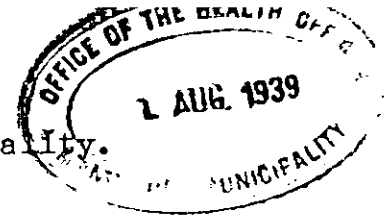
I beg to remain,
Gentlemen,
Your most Obedient Servant.
(Sd:) H. J. Pinto.

Mangalore,
25—7—1939

Inne Co, 11
HJ Pinto.

1000— 25-7-1939 — Kohinoor Press Mangalore

.Dis.No.10673/39.



Mangalore/Municipality.

Memorandum.

Reference:-Establishment - Registrar of Births & Deaths - Mr. M.J.Pinto - Copy of printed petition to the Chairman-in-Council -Orders passed.

****

No petition lies to the Council against orders terminating probation, your "representation" dated the 25th July 1939 to the "Chairman -in-council" will not therefore be placed before the council.

Municipal Office,)
Mangalore, 29-7-39)

Commissioner, M.M.

HDU 31/7/A.

To Mr.M.J.Pinto, Birth & Death Registrar through the Municipal Health Officer.
Copy to Municipal Health Officer.

Forwarded

MUNICIPAL HEALTH OFFICER

1/8/39

Recibí

Pinto

21/8/39

Very urgent.

Office of the Municipal Health Officer,
Mangalore, Dated 24th July 1939.

From

Sri B. Subraya Baliga, L.M.S. D.T.M. (Cal).
Municipal Health Officer, Mangalore.

To

The Commissioner, M.M.
Mangalore.

Sir,

I herein enclose a draft of an order which I propose issuing terminating the probation of Sanitary Inspector M.J.Pinto and reverting him as Probationary Birth & Death Registrar. I request you to accord your approval for the same under section 14 of the Public Health Act, ~~I am sxk~~ and send me back the order duly approved. I am satisfied neither with the work nor conduct of the Sanitary Inspector and I am strongly of opinion that he must revert. I now every much regret that I recommended him for appointment as Sanitary Inspector, when as Birth & Death Registrar he stood condemned by my predecessor and when I myself found him below the mark as vaccinator and he himself declined the acting chance as a vaccinator.

I append herewith for your information some of the reasons which have prompted me to draft the order of termination.

(1) I was writing a confidential letter when Mr.M.J.Pinto came to me. I told him he could see me later as I was writing some thing confidential. He went away, but stood behind the screen peeping over to see what I was writing. I warned him that his conduct was reprehensible and asked him to clear out.

(2) I usually go out with one Sanitary Inspector a day for my inspections. This Sanitary Inspector would very often not meet me at appointed times, warnings not withstanding.

(3) He has no regard for official secrets. I have very stron reason to feel that he is leaking out official informations, e.g. a sample of ghee was taken by him the other day. It had to be

scraped for sufficient reasons. This scraping has been, I strongly feel, published by him and as a result a private communication has been sent to the Director of Public Health about it. None other then he could have, in my opinion, leaked out the information.

(4) He expressed to me soon after appointment that he was not conversant with taking of samples. I first gave him Sanitary Inspector Alfred for assistance. Even then he would not learn the work. He without my knowledge or consent was taking Sanitary Maistry posted for other work in other wards t take the samples for him.

(5) It is a pity that the Sanitary Inspector does not know how to chlorinate a well. He does not know even now what a Horrock's apparatus is. I had explained to him the method of chlorinating wells and the use of Horrock's apparatu once soon after his appointment and then on 27th June. Even a student of the Sanitary Inspector's class should know this. The wells chlorinated by him are either over chlorinated or underdosed.

(6) Though Karnad Sadasniva Rao Road and Hampancatta are not within his jurisdiction I found him there often at times when he ought to be in his wards. I have reprimanded him for this.

(7) In the list submitted by him of firewood depots, a firewood depot - that of Salvadore D'Souza - stocking over 25 candies was omitted. I detected this and asked him to include it. He has not submitted his report.

(8) His report on the building applications are often misleading.

Sd/- B.Subraya Baliga.
Ml.Health Officer.

/ TRUE COPY /

Municipal Office, Mangalore,)
Dated the 8th September '39.)

Commissioner, M.M

PST.9.9p

cd/

Mr. M.J.Pinto, Qualified Sanitary Inspector was acting as Birth & Death Registrar in this office. As his work was not satisfactory my predecessor did not recommend him for appointment as Sanitary Inspector, when a vacancy arose. I however wished to give him a chance and try him as a Sanitary Inspector and therefore in my letter No.751/Hl/3 dated 4.5.1939 recommended him for appointment as such in a leave vacancy and he was accordingly appointed. I did not find him suitable but with a view to see his work further, I continued him in the vacancy when leave was extended by Sanitary Inspector on leave. I find that neither the work nor conduct of Mr.M.J.Pinto is satisfactory. He does not know either to chlorinate a well or take a food sample for analysis. He is unfit to work as Sanitary Inspector. For the above reasons recorded in writing I terminate the probation of Mr. M.J.Pinto as Sanitary Inspector . He will revret as probationary Birth & Death Registrar with effect from 25.7.1939.

Sd/- B.Subraya Baliga.
Ml. Health Officer.

Mangalore, 24.7.1939.

/ TRUE COPY /

Municipal Office, Mangalore,
Dated the 8th September '39.

Commissioner, M.M.

PST.9.9p

compd/9/9/17.

SECRETARY TO GOVERNMENT
23 SEP 1939
LOCAL ADMINISTRATION DEPT.

25 SEP 1939

39554

Mangalore, 19-9-1939.

The Secretary
Government of Madras,
Local Self-Government Department,
Fort St. George,
Madras.

Respectfully submitted through

The Municipal Health Officer and
The Commissioner,
Mangalore Municipality.

Supplemental appeal memo submitted by M.J. Pinto, Registrar of Births and Deaths, Mangalore Municipality.

Honoured Sir,

In my appeal petition dated the 11th August, 1939, submitted through the Commissioner, Mangalore Municipality I had referred to certain querries that came up before the Municipal Council in consequence of an outsider being appointed in preference to me as Ag. Sanitary Inspecto The Council did not approve of the appointment and the answers that were then elicited on the floor of the house would convince Government that there was really nothing against me to disqualify me out when a superior official wants to damn a helpless subordinate, much is not after all required, to have his object gained. I thus became an innocent, yet a helpless target of attack over and above being allowed to be over-stepped by an outsider.

There were no charges against me - not even an explanation called for - nothing - absolutely nothing on

on record.. The Health Officer and the Executive takes shelter under the plea no charge need be framed ~~under the plea no charge need be framed~~ while on probation. RP 19-9-29 RP 19-9-29
If this dictum is approved no probationer could or would be safe from his superior's wrath, when he chooses to condemn the latter.

3 Now that my appeal is submitted through the executive officials and it is open to them to say anything in defending their action. Any truthful complaint and allegation can be denied with impunity. If an opportunity is afforded to me in the interest of justice, I hope to be able to substantiate the allegations I have made. I am enclosing two Affidavits in support of my statement made in the appeal already submitted.

4 I have abundant trust in the Congress Governmen and that even the poorest mential will not be denied justice for the sake of safeguarding the prestige of any official. I feel confident prestige will not over-ride justice in the regime of this popular justice and poor man's Government.

I beg to remain,

Honoured Sir,

Your most obedient servant,

(Sd.) M. J. Pinto.

Enclosures :- 3

One copy with copies of the two Affidavits and an extract from the Municipal Council Resolution are herewith appended. All the originals are enclosed being with original copy submitted through the proper channel

M J Pinto.

Letter dated 24.7.1939 from the Municipal Health Officer,
Re: Mr. M.J.Pinto.

Retransmitted.

2. The Health Officer finds that the work and conduct of Mr.M.J.Pinto are unsatisfactory. Even when he was recommended by the Municipal Health Officer for appointment as Sanitary Inspector, I had my own misgivings, if he was condemned by a previous Municipa Health Officer and who had declined appointment as a Vaccinator could do well as a Sanitary Inspector. I however agreed that he might be given a trial. I have no reason to disagree with the draft order proposed by the Municipal Health Officer as he is best fitted to judge the work of the Sanitary Inspectors and I approve of the order proposed in this case.

3. Mr.M.J.Pinto was appointed by the appointment committee after the Public Health Act came into force, under the belief that section 14 did not apply until regulations referred to therein were framed. This belief is not correct. Even if it is, and I am the person authorised under the District Municipalities Act to pass the punishment order, I give the Municipal Health Officer full power under section 18-A of the Madras District Municipalities Act to inflict this punishment of termination of probation on Sanitary Inspector Mr.M.J.Pinto.

Mangalore,)
)
24.7.1939.)

Sd/-M.Narayana Shenoy.
Commissioner, M.M.

/TRUE COPY/

Municipal Office, Mangalore,)
)
Dated.the 8th September '39.)

Commissioner, M.M.

PST.9.9p

compd/9/9.

Mangalore Municipality.

Proceedings of a meeting of the Municipal Council, Mangalore, held at 5.30 P.M. on Monday the 19th April, 1937.

At commencement of the meeting Mr. M.Madhava Rao moved the following resolution which was seconded by Mr. L.C.Pais.

'That an address of welcome be presented to Srijuts - C.Rajagopalachariar and T.Prakasam during their visit to Mangalore on the 21st instant.

Carried unanimously,

A Committee consisting of the Chairman, Vice-Chairman and Messrs.M.Madhava Rao, K.R.Karant, B.Venkat Rao Baliga and L.C.Pais to prepare the address on behalf of the Council was appointed.

The expenses to be incurred in connection with the presentation of the address was decided to be met from the subscription from among the members of the Council.

I. Read the following interpellations from Councillor Mr.C.L.Lobo.

1. Q. Whether Mr.M.J.Pinto, Birth and Death Registrar is a qualified Sanitary Inspector.

   A. Yes.

2. Q. Whether a man from Malabar has been appointed for the Sanitary Inspector's vacancy?

   A. It is only known after appointment that the person is from Malabar.

3. Q. What are his qualifications?

   A. He is a qualified Sanitary Inspector with experience of Cholera, work.

   Q. Does he know the local languages?

   A. He can understand Canarese.

5. Q. Why was he appointed when a local qualified Sanitary Inspector already in Municipal service was available?

   A. As the Municipal Health Officer was not satisfied with the work of Mr.L.J.Pinto as Birth and Death Registrar his claim was overlooked.

6. Q. If the reason isthat Mr Mr.M.J.Pinto is incompetent, when was he found incompetent?

   A. Since his entertainment, Mr.Pinto was not turning satisfactory works as Birth and Death Registrar.

7. Q. Has any charges been framed against him for incompetency?

No charge need be framed while on probation. Mr. Pinto's mistakes were regularly pointed out to him by the Municipal Health Officer whenever he scrutinised his work. The Municipal Health Officer was giving him directions for improvement.

8. Q. Why has an incompetent man been kept in service so far?

A. It is hoped that Mr.Pinto would improve before the expiry of the probation period of 2 years.

Sd/- K. Vittal Shetty,

Chairman, M.C.

D.Dis.C.No.11896-F4-39.

True copy granted to Mr.M.J.Pinto as per his petition dated 23-8-1939.

Municipal Office,
Mangalore, 14-9-1939.

Sd/- M. Narayan Shenoi,
14-9-1939,
Commissioner.

"True Extract"

M J Pinto.

The Sworn Affidavit from Piadade Lawrence D'Souza.

I, Piadade Lawrence D'Souza, son of Mr. J .L. D'Souza, Roman-Catholic by caste, aged about 37 years, Clerk in Joe Tile Works, and residing in Codialbail, Mangalore, do make oath and say as under:-

I am a Clerk in the Joe Tile Works, Mangalore.

I wanted some rat poison and for that purpose I had been to the Municipal Health Office on some date in the evening in the month of October 1938 and was waiting to get the baits in the 3rd room where the vaccinators sit and suddenly heard the Municipal Health Officer, Dr. Subbaraya Baliga, Mangalore, talking in a angry and loud tone and soon found him chasing from his room to middle room and further to the room where I was standing one Birth and Death Registrar by name Mr.M.J. Pinto with marked steps.

I saw the aforesaid Pinto moving from room to room quietly followed by the Municipal Health Officer. I was present till Mr. Pinto went out and while Municipal Health Officer returned to his room.

All this is true.

Dated at Mangalore this 20th day of September 1939.

Sworn and signed before me
(True Copy)
M J Pinto

sd. C. D. Cunha
Member panchayat
Court Bench Mangalore
20-9-39.

The Sworn Affidavit from B.S. Ibrahim Saheb.

I, B.S. Ibrahim Saheb, son of B. Mahommed Hayeth, Muslim, aged about 26 years, Timber Merchant, residing at Bolar, Mangalore, do make oath and say as under:

1. I had been to the Municipal Health Office some time in the month of October 1938 and was waiting in the Sanit.. ..spector's room, waiting to meet the Ward Inspector to complain about the scavenger., At about 6 P.M., when I heard an angry noise in the room occupied by the Health Officer. Soon after that I saw ~~Registrar~~ Registrar of Births and Deaths Mr. M.J. Pinto coming out of the room followed by the Municipal Health Officer, who actually drove him from room to room, until Mr. Pinto walked out of the building.

All this is true.

Dated at Mangalore this 20th day of September, 1939.

Sworn and signed before me

Sd. M. Krishnappa
President A.P. Court
Mangalore
20-9-39.

(True Copy)

J.D. Pinto.

59/41

Encl

p/cf Cno 33304 from M.J. Pinto, Regr. of Births and Deaths, Mangalore Petn dated 11-8-39

p7cf Cno 37653 from the Commr. Mangalore Municipality, 12607A-1/39 dated 8-9-39.

p2cf Cno 35554 from M.J. Pinto, Petn & Lr

Memo:- 33304-1/39 3-10-39

Appeal - Mangalore Municipality - M.J. Pinto, Births and Deaths Registrar - Against termination of probation as Sanitary Inspr.

The Commr. Mangalore Municipality is requested to forward to the Govt. with his remarks, the supplemental appeal dated 15-9-39 of the petitioner.

DSM 5/10

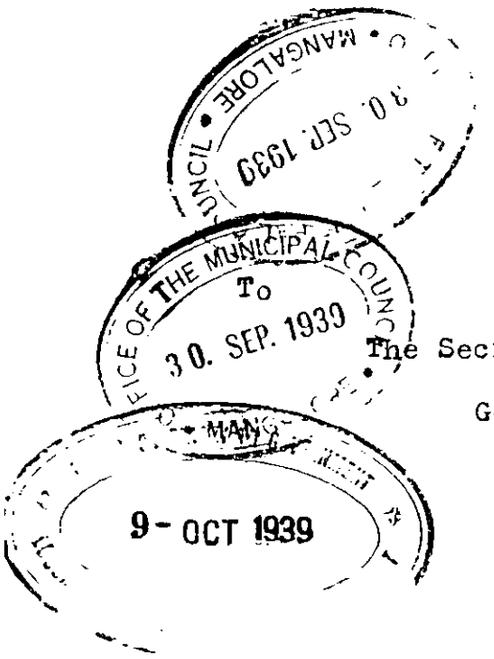
To

The Commr. Mangalore

Thro' Deputy Collector

3.10.39

3/10/39



Mangalore, 19-9-1939.

a/

42124 12784

To

The Secretary

Government of Madras,

Local Self-Government Department,

Fort St. George,

Madras.

Sanction
p 2 auk

Respectfully submitted through

The Municipal Health Officer and

The Commissioner,

Mangalore Municipality.

Supplemental appeal memo submitted by M.J. Pinto, Registrar of Births and Deaths, Mangalore Municipality.

Honoured Sir,

In my appeal petition dated the 11th August, 1939, submitted through the Commissioner, Mangalore Municipality I had referred to certain querries that came up for before the Municipal Council in consequence of an outsider being appointed in preference to me as Ag. Sanitary Inspector. The Council did not approve of the appointment and the answers that were then elicited on the floor of the house would convince Government that there was really nothing against me to disqualify me but when a superior official wants to damn a helpless subordinate, much is not after all required, to have his object gained. I thus became an innocent, yet a helpless target of attack over and above being allowed to be over-stepped by anx outsider.

There were no charges against me - not even an explanation called for - nothing - absolutely nothing on

on record. The Health Officer and the Executive takes shelter under the plea no charge need be framed ~~under the plea no charge need be framed~~ while on probation. If this dictum is approved no probationer could or would be safe from his superior's wrath, when he choses to condemn the latter.

Now that my appeal is submitted through the executive officials and it is open to them to say anything in defending their action. Any truthful complaint and allegation can be denied with impunity. If an opportunity is afforded to me in the interest of justice, I hope to be able to substantiate the allegations I have made. I am enclosing two Affidavits in support of my statement made in the appeal already submitted.

I have abundant trust in the Congress Government and that even the poorest mential will not be denied justice for the sake of safeguarding the prestige of any official. I feel confident prestige will not over-ride justice in the regime of this popular justice and poor man's Government.

I beg to remain,

Honoured Sir,

Your most obedient servant,

O D Pinto.

Enclosures :- 3

One copy respectfully submitted direct for information.

MANGALORE MUNICIPALITY

Proceedings of a meeting of the Municipal Council, Mangalore, held at 5-30 P. M. on Monday the 19th April 1937.

PRESENT

K. Vittal Shetty, Dr., *Chairman, M. C.*,
U. P. Mallya, Dr., L. M. & S., Vice-Chairman, M. C.,
Adappa, H. V., Dr.,
D'Souza, B. M., Esq.,
D'Souza, A. R. Esq.,
M. R. Ry. Gajanana Rao, P., Avl.,
Gonsalves, John, Esq., B. A., LL. B.,
Girdhar Rao, K., Dr.,
Jathanna Fredrick, Esq.,
,, Karant, K. R., Avargal, B. A., LL. B.,
Kunjhammu Saheb Bahadur, M.,
Lobo, C. L., Esq., B. A., B. L.,
,, Madhava Rao, M., Avl., B. A., B. L.,
Machado, J. B., Esq.,
,, Naganna Hegde, A. M., Avl.,
Pais, L. C., Esq., B. A., B. L.,
,, Putran, J. A., Avl.,
Rego, J. P., Esquire,
Sreshta, Lucy, Mrs.,
Sreshta, M. S., Esq., C. C. S. (Retd.) Bar-at-law, M. L. C.,
Sanjiva Hegde, K., Dr.,
,, Talwar, M. A., Avargal, B. A., B. L.,
,, Talcherkar, R. R., Avl., B. A., LL. B.,
Upendra Pai, N., Dr.,
,, Venkatrao Baliga, B., Avl., B. A., B. L.,
,, Rao Bahadur Nellikai Venkat Rao, Avl.,
,, Vaman Shenoi, B., Avl.

At commencement of the meeting Mr. M. Madhava Rao moved the following resolution which was seconded by Mr. L. C. Pais.

'That an address of welcome be presented to Srijuts C. Rajagopalachariar and T. Prakasam during their visit to Mangalore on the 21st instant.'

Carried unanimously.

A Committee consisting of the Chairman, Vice-Chairman and Messrs. M. Madhava Rao, K. R. Karant, B. Venkat Rao Baliga and L. C. Pais to prepare the address on behalf of the Council was appointed.

The expenses to be incurred in connexion with the presentation of the address was decided to be met from the subscription from among the members of the Council.

1. Read the following interpellations from Councillor Mr. C. L. Lobo.

1. Q. Whether Mr. M. J. Pinto, Birth and Death Registrar is a qualified Sanitary Inspector.

A. Yes.

2. Q. Whether a man from Malabar has been appointed for the Sanitary Inspector's vacancy?

A. It is only known after appointment that the person is from Malabar.

3. Q. What are his qualifications?

A. He is a qualified Sanitary Inspector with experience of Cholera work.

4. Q. Does he know the local languages?

A. He can understand Canarese.

proceedings of the Inaugural Indian Congress 1934.

Recorded.

8. Read Government Memorandum No. 36412-1/A—2, dated the 11th November 1936, communicating a copy of the letter from the Collector of South Kanara in respect of proposed extension of Municipal limits and requesting to revise the proposals in the light of the Collector's remarks and resubmit them through the Collector with detailed information in respect of the matters mentioned in the memorandum and the commissioner' note thereon.

To lie over. The Chairman and the Commissioner are requested to put up a draft letter.

9. Read petition from the Parish Priest, Bendur, requesting permission to inter the remains of the late Mrs. Martha Fernandes inside the Church and the Commissioner's order granting permission.

Approved.

10. Read petition from Contractor U. Manjappa, requesting for the refund of the security deposit of Rs. 15 made by him in connexion with the work of straightening the Planter's lane.

Refund is sanctioned.

11. Read final report from the Municipal Health Officer on Cholera which was started in Mangalore in the month of January last.

Recorded.

12. Read tenders received for the supply of tyres and tubes during the year 1937-38 and the Committee's report recommending the tender of C. P. C. Co., Ltd.

Tender of C. P. C. Co., Ltd., is accepted.

13. Read petition from the President, Society of St. Vincent de Paul, Bendur, requesting to sanction a monthly contribution of Rs. 10 per month in aid of the Society for the year 1937-38.

Sanctioned.

14. Read Commissioner's note requesting the Council to pass a resolution agreeing to the conditions mentioned in the Collector's standing order No. 1 of 1936 dated the 27th August 1936 under appendix E (1) in respect of plots- T. S. Nos. 591/A2, 601/2, 632/1, 435 2, 561/C1B, 577/2, 580/3, 580/10, 580/9, 580/7, 580/12, 580/13 and 758/part of Attavar village acquired for road purposes.

The Council agrees to the conditions mentioned in the Collector's standing order No. 1 of 1936 dated the 27th August 1936 under Appendix E (1) in respect of the plots referred to.

15. Read Commissioner's note requesting sanction of the Council to engage a lawyer to appear on behalf of the Council in L. A. C. No. 21/35 in respect of widening the Court road.

Sanctioned.

16. Read Commissioner's note requesting the approval of the Council for the 20 electric lights installed at the places mentioned in the note.

Approved.

17. Read letter D. Dis. 428/37, dated the 31st March 1937, from the Collector of South Kanara in respect of the proposal of the Council to exchange the site of a market at Hoige.

To lie over.

18. Read letter Ref. B3/5084—36, dated the 3rd April 1937 from the Collector of South Kanara, requesting to send a copy of the Council's resolution sanctioning the sum of Rs. 1253—3—8 the amount required for the acquisition of land for widening a lane in Balmatta and also agreeing to the conditions specified in the letter.

The payment of Rs. 1253—3—8 is sanctioned. The Council agrees to the conditions specified in Collector's letter and also agrees to use the land for the purpose within 2 years from the date of handing over the plot to the Council.

19. Read endorsement Ref: B3/4776 36, dated the 8th April 1937 from the Collector of South Kanara, communicating a copy of the Proceedings of the Board of Revenue, Madras, in respect of alienation of land for a burial ground and requesting to be informed whether the Council is willing to relinquish S. No. 11/1B of Kankanady B village measuring one acre required for the Parish Church, petition dated the 14th April 1937 from the Catholics of Mangalore on the subject and the file of connected papers.

To lie over.

20. Read letter Ref. B2/1557—37, dated the 16th April 1937, from the Collector of South Kanara enclosing a copy of the Government order in the matter of Celebration of Coronation of His Majesty the King Emperor.

Recorded.

21. Read report of the Committee appointed in connection with the extension of Souza Lane and the file of connected papers.

The Committee's report is approved. Mr. Machado dissenting.

22. Read letter Ref. B3/5949 36, dated the 9th April 1937 from the Collector

of South Kanara enclosing a copy of the letters dated the 3rd April 1937 of the Revenue Divisional Officer, Mangalore, in the matter of acquisition of land for widening and extending a lane in Kadri 'A' village.

The Council does not agree with the view expressed by the Revenue Divisional Officer in his letter referred to above. The acquisition of all the lands as per original proposal may be proceeded with.

23. Read endorsement N. Ref. C. No. 12711/36-B6, dated the 24th February 1936 from the Tahsildar of Mangalore requesting to be informed whether the Council has any objection to the assignment of the plot T. S. No. 433/1B of Mangalore Thota village and the Commissioner's remarks thereon.

The Council has no objection to the assignment.

24. Read letter Ref. C. No. 2602-37/B6 dated the 4th April 1937 from the Tahsildar of Mangalore, requesting to be informed whether the Council has any objection to the assignment of the plot S. Nos. 39/3A2—71—5B and 82/2B of Kudupu village and the Town Planning Inspector's report recommending the assignment.

The Council has no objection to the assignment.

25. Read petition dated the 7th April 1937 from the Manager, The Sujirkar's Tile Works, Ltd., Mangalore, requesting to grant them permission to round off the corner leading to their Tile Factory and the Town planning Inspector's report thereon.

Referred to Mr. A. M. Naganna Hegde for early report.

26. Read letter from Mr. S. N. Thammaya, Veterinary Assistant Surgeon, requesting to exempt him from payment of cycle tax for the year 1937-38 in respect of the cycle maintained by him for the discharge of his duties.

exempted subject to the approval of the Collector.

27. Read letter dated the 16th March 1937 from Mr. Vittal Shantaram in respect of his electric light installed opposite Shri Venkatramana temple and the Vice-Chairman's report thereon.

The offer of the light is accepted with thanks. Regarding the conditions, the Vice-Chairman's recommendation contained in his letter dated the 10th February 1937 is accepted.

28. Read file of papers relating to the subject of naming the streets in the town.

To lie over for the meeting to be held on the 24th instant.

29. Read letter from the Resident Engineer, the Mangalore electric Supply Co., Ltd., Mangalore, in the matter of extending overhead Mains in Mangaladevi road from Mangaladevi temple to Marnamikatte.

Permission is granted subject to the approval of Government.

30. Read letter dated the 12th March 1937 from the Resident Engineer, Mangalore Electric Supply Co., Ltd., re. street lighting extension in New Court Road.

Permission is granted.

31. Read tenders received for the work of asphalting some of the roads in the town.

To lie over for the meeting to be held on the 24th instant.

32. Read petition from office peons A. Somappa and seven others, requesting to grant to each of them with 2 sets of uniforms every year for reasons explained in the petition and Commissioner's note thereon.

The supply of one pair Khadder Dhoties, two Khadder Coats and one Khadder Turban to each of the applicants is sanctioned at a total cost not exceeding Rs. 100/—.

33. Read letter from the General Manager, the Publicity Society of India, Ltd., Calcutta, requesting to renew the license for 10 'Kiosks' for the year 1937-38.

The license in respect of 10 'Kiosks' is renewed for the year 1937-38.

34. Read letter dated the 9th December 1936 from Mr. M. Nowroji, requesting to reduce the rental of the two plots leased out to him for reasons stated in the letter and Councillor Mr. B. Venkat Rao Baliga's opinion thereon.

The Council regrets that the petitioner's request cannot be granted.

35. Read application from Abbubaker for the construction of a building in T. S. No. 737 of 17th ward, petition from Mrs. Q. Tauro objecting to the grant of license for reasons stated in the petition and the Commissioner's note relating to the matter.

License is granted.

36. Read report dated the 22nd March 1937 from the Municipal Health Officer, requesting sanction for the continuance of the Malaria staff consisting of a Maistry on Rs. 12/— and 4 thoties on Rs. 10/— each for one year ending 31—3—1938.

Sanctioned.

37. Read applications from the following Municipal subordinates for the grant of loan from their Provident Fund Account and the Commissioner's recommendation thereon.

1.	Koragappa	... ...	Rs. 192/—	Sanctioned.
2.	K. Adam Saheb	... ...	,, 100/—	,,

3.	P. Karkada	... ...	Rs. 80/—		Sanctioned.
4.	G. D'Souza	... ...	,, 105/—		,,
5.	A. Padmappa	... ...	,, 144/—		,,
6.	T. Harischandra Rao	... ...	,, 480/—		,,
7.	K. Ganapathi	... ...	,, 168/—		,,
8.	U. Vasudeva Upadya	... ...	,, 110/—		,,
9.	J. M. Anchan	... ...	,, 48/—		,,
10.	M. Amba Bai	... ...	,, 50/—	Rs. 48/—	,,

38. Read letter dated the 26th November 1936 from Dr. M. Shiva Rao, requesting to grant him permission to construct a revetment close to his storied building in T. S. No. 338 of Bendur ward and Mr. K. R. Karant's report thereon.

Permission is granted.

39. Read list of auction sale of Jatka stands held since last meeting:

1. Municipal Jatka stand ... ... Rs. 250/—.

The sale is confirmed.

40. Read reports dated the 23rd March 1937 from the Municipal Health officer, requesting to write off the articles mentioned in the reports as they have become unserviceable.

Sanctioned.

The meeting then terminated.

K. Vittal Shetty,
Chairman, M. C.

b. Dis. C. No 11896-F4-39.
True copy granted to Mr. H. J. Pinto as per his petition dated 23.8.1939.
Municipal office, Mangalore. 12.9.1939

Mangalore
12.9.1939 Commissioner.

S.-P.-Works, Ltd., Mangalore.

OK 12/9/39

The Sworn Affidavit from B.S. Ibrahim Saheb.

I, B.S. Ibrahim Saheb, son of B. Mahommed Hayeth, Muslim, aged about 26 years, Timber Merchant, residing at Bolar, Mangalore, do make oath and say as under:-

1. I had been to the Municipal Health Office some time in the month of October 1938 and was waiting in the Sanitary Inspector's room, waiting to meet the Ward Inspector to complain about the scavenger. At about 6 P.M., when I heard an angry noise in the room occupied by the Health Officer. Soon after that I saw ~~Registrar~~ Registrar of Births and Deaths Mr. M.J. Pinto coming out of the room followed by the Municipal Health Officer, who actually drove him from room to room, until Mr. Pinto walked out of the building.

All this is true.

Dated at Mangalore this 20th day of September, 1939.

B.S. Ibrahim Saheb

Sworn and signed before me.

Mangalore.
20-9-1939

Resident D.C. Court
Mangalore.

The Sworn Affidavit from Piadade Lawrence D'Souza.

I, Piadade Lawrence D'Souza, son of Mr. J .L. D'Souza, Roman Catholic by caste, aged about 37 years, Clerk in Joe Tile Works, and residing in Codialbail, Mangalore, do make oath and say as under:-

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I wanted some rat poison and for that purpose I had been to the Municipal Health Office on some date in the evening in the month of October 1938 and was waiting to get the baits in the 3rd room where the vaccinators sit and suddenly heard the Municipal Health Officer, Dr. Subbaraya Baliga, Mangalore, talking in a angry and loud tone and soon found him chasing from his room to the middle room and further to the room where I was standing one Birth and Death Registrar by name Mr.M.J. ~~Pinto with marked steps.~~

I saw the aforesaid Pinto moving from room to room quietly followed by the Municipal Health Officer. I was present till Mr. Pinto went out and while Municipal Health Officer returned to his room.

All this is true.

Dated at Mangalore this 20th day of September 1939.

P. D'Souza

Sworn and signed before me.

Mangalore
20. 9. 39.

Member,
Panchayat Court-Bench
Mangalore.

N dis 1507-A1.39
Forwarded

Mubrayattalee
1/9.

N.Dis.13784/39 dated 7.10.1939.

Submitted to the Secretary to the Government of Madras, Public Health Department, through the Chairman, Municipal Council, in continuation of this office reference No.12607/A1/39 dated 8.9.1939.

There is no new reason advanced in this appeal, except the production of two affidavits to prove an imaginary incident of chasing out the appellant - an incident which is referred to in the printed memorial to the Council enclosed with the appeal petition of the appellant submitted to Government under date 8.9.1939. The incident as detailed is purely imaginary. The Health Officer in his reasons communicated to me under date 24.7.1939 (copy submitted to Government already) refers in reason one to his having sent out the appellant, who was most disgracefully overlooking in spite of warning what the Health Officer was writing in a confidential letter. This has perhaps provided the appellant with a background for carving out an imaginary account. This is however not relevant to the appeal. The probation of the Sanitary Inspector has been terminated and rightly too, for reasons recorded in writing and no appeal or memorial lies as pointed out by me in my endorsement dated 8.9.1939. And as remarked by the Chairman, in his forwarding endorsement dated 9.9.1939 the appellant not only did not make any honest attempt to improve and give satisfaction to the Municipal Health Officer, but has made unfounded allegations and now persists in making them. Such conduct, I request may not be tolerated. The appeal may kindly be rejected.

Dhanayan Antony
9.10.39.

Municipal Office, Mangalore,)
Dated the 7th October 1939.)

Commissioner, M.M.

Forwarded —

B. Venkataraya Baliga
Chairman. M.C.

8

To.

The Chairman in Council,
Mangalore Municipality,
MANGALORE.

Submitted through the Municipal Health Officer,
Mangalore.

The representation submitted by M. J. Pinto,
Registrar of Births & Deaths, Mangalore.

Gentlemen,

Permit me please to narrate the history of my service under the Muncipality before I enter into the most unfortunate and sad treatment that is being accorded to me for no fault of mine.

After qualifying myself for a Sanitary Inspector's post, I joined service under this Municipality on 8th June 1936 as Registrar of Births and Deaths, as at the time there was no vacancy of Sanitary Insepector's post. While I was thus working, a short vacancy of about two and a half month's duration of the Sanitary Inspector's post occured. The then Health Officer some how or other wanted to oblige a Station Master, a native of Malabar by bringing in his brother, also a qualified Sanitary Inspector then unemployed. Your goodselves will easily realise that the Health Officer could not possibly oblige his friend without condemning me and declaring me as unfit for the job. Though the Health Officer did not know the new condidate or his antecedants he did not hesitate to condemn me, most unjustly and recommend the Malayalee for the vacancy much against probably the voice of his own conscience, as he expressed himself to me, later on with regret.

This appointment however was brought to the notice of the Council and after a thorough discussion, it was condemned by the then Council and at the expiry of the term of leave, the new incumbent was relieved and a resolution was passed against the appointment of an outsider, while qualified hands are available locally. The next vacancy occurred on 12th May 1939 Sanitary Inspector Mr. Duggappa Shetty having availed himself of two months' medical leave and the present M. H. O. unavoidably appointed me to that vacancy though he had another candidate in readiness for the post in the person of R. W. Nayak who was and is serving as a Vaccinator under the District Board Mr. Shetty extended his leave by another month and the existing arrangements were then allowed to continue. While the extended leave of Mr. Duggappa Shetty was nearing its end, another Sanatiary Inspector Mr. Sheik Ahamed applied for 4 month's leave. On receipt of this application the M. H. O. tried to make himself sure that Mr. Duggappa Shetty would rejoin duty in which case he thought I naturally revert to my permanent post and very likely the present Municipal H. O. wanted to pave the way to bring in R. W. Nayik to act in a long vacancy of Mr. Sheik Ahmed and with this end in view on the 21st inst. Friday (The next day was Free Saturday 23rd was Sunday and on 24th the leave of Mr. Shetty was to expire) called me and took down a statement regarding the methods of Chlorinating wells and he also questioned me about Horracks apparatus. I answered all his questions but he would not write down my answers exactly as I gave and I objected to sign the statement and I submitted, that the statement written down by the M. H. O. needed corrections, as my answers were found twisted.

He then tried to induce me to sign assuring that he meant no harm to me and when insisted on certain corrections before I could sign, he threatened me so very fiercely I was completey upset and began to tremble and as I smeult danger ahead I refused to sign. Then he asked another Sanitary Inspector to write on my statement "the man trembled and could not sign".

On the day Mr. Duggappa Shetty was to join duty to the very great disappointment of the M. H. O. and to the total upsetting of his preconceived programme, Mr. Shetty sent in a further medical certficate and applied for further extension of a month. Finding the expectation of the automatic reversion of myself being frustrated he took advantage of the statement he had recorded from me the previous Friday drew up proceedings condemning me and passing strictures on my character on most baseless and filmsy grounds & thus reverting me as unfit for the post of a Sanitary Inspector. I need hardly submit this is nothing short of cruelly murdering me to find a place for another. I am sorry that I should be in the necessity of writing against my own officer but I have no other alternative except stating bare facts or submitting myself to electricution.

Some time back this Health Officer grew into a rage for no reason whatsoever and came chasing me out of the building as if I were a cooly and yet I submitted myself to this humiliation without any protest. No one knows whether there is a Horracks apparatus in this Office and I have not seen any Inspector using the same. I have always taken food samples correctly and there was no occasion to find fault with me except on one occasion when I took sample of ghee from a Konkani merchant which the M. H. O. did not like and cancelled the same.

The Sanitary Inspector's appointment under the Rules is to be made by the Appointment Committee and the Health Officer, I submit, is wrong in terminating my services without refering to the Committee and thus depriving me the right of placing all facts before the Committee. The Health Officer has also himself appointed Mr. J. B. Lobo as S. I. whom he had recently relieved, still keeping in service one of his juniors—an outsider. The present arrangement looks to be one of a stop gap nature as Mr. Nayak is in the service of the Dt. Board and will need time for his relief. Mr. Nayak's application however is now with the M. H. O. who has declined to lodge the paper even though the Commissioner directed its lodging.

I am appealing to your sense of justice of fair play as Congress Councillors, as ladies and gentlemen pledged to stand by the poor man against all acts of injustice and implore you to call for the papers and enquire into the matter and render justice to me. I submit that the matter is very urgent and as I am stunned by this unjust order, I find myself in a confused and week state of mind and I have therefore applied for leave pending final orders in my case by the Council.

I beg to remain,
Gentlemen,
Your most Obedient Servant.

Mangalore,
25—7—1939

Kohinoor Press Mangalore

L - Dis. No 10673/39.

Mangalore Municipality

Memorandum.

Reference - Establishment - Registrar of Births & Deaths - Mr. M. J. Pinto - Copy of printed petition to the Chairman-in-Council - Orders passed. x x xxx xxxxxx —

No petition lies to the Council against orders terminating probation, your "representation" dated the 25th July 1939 to the "Chairman-in-Council" will not therefore be placed before the Council.

Municipal Office,
Mangalore, 29-7-39.

(Sd) Narayana Shenoy
Commissioner, M.M.

HDU 31/7/A.

To Mr. M. J. Pinto, Kittur & Deaths 31/7.

Register through the Municipal Health Officer.

Copy to Municipal Health Officer.

Forwarded

(Sd) B. Sabraya Baliga
1/8/39 Municipal Health Officer

To

The Secretary to the Government of Madras,
Local Self Government, Madras.

Respectfully submitted through the
Commissioner, Mangalore Municipality,
and
The Municipal Health Officer,
Mangalore.

The appeal petition submitted by E.J. Pinto, Registrar of Births and Deaths attached to the Municipal Health Department, Mangalore.

Most Respectfully Sheweth,

That your Appellant who is fully qualified Sanitary Inspector, was entertained as a Registrar of Births and Deaths in the Mangalore Municipality in an additional permanent vacancy on the 6th June 1936 and continued to act in the Municipal Health Department till 13th May 1939 when a two months leave-vacancy of a Sanitary Inspector's post occurred and appellant was appointed to the said vacancy. Both as a Registrar of Births and Deaths and as Ag. Sanitary Inspector he worked to the best of his abilities and was never warned in writing or fined or otherwise punished. While working as a Sanitary Inspector in the acting vacancy, the Sanitary Inspector extended his leave by another month and under ordinary circumstances, your Appellant ought to have continued but the Municipal Health Officer, who did not expect the Sanitary Inspector to extend his leave, abruptly and suddenly terminated the services of appellant as Sanitary Inspector and reverted him to his permanent post as Births and Deaths Registrar on 24th July 1939 and in his place appointed a much junior of the appellant. There is no doubt that this course was adopted for a purpose

and with a motive, as will be clear from what this appellant has submitted in detail in the enclosed printed copy of the appeal submitted by him to the Council on 25th July 1939. The Municipal Commissioner however in his L.Lis.No.10673/39 dated 29-7-1939 has informed appellant that the appeal will not be placed before the Council. (Order enclosed). That it must be remembered that appellant has put in a continued service without break of over 2 years in the superior service of the Health Department. That the Municipal Health Officer could not possibly terminate appellant's services, without giving him a bad name and condemning him, though the records of his service in the office justify no such arbitrary action, and condemnation.

That the Municipal Health Officer has not only without justifiable cause or reason terminated his services as Sanitary Inspector and has thus obstructed the way of his promotion for all time but in addition to that, poured on his innocent head remarks which if allowed to remain unprotested will completely ruin his career.

The Government on a perusal of the accompanying copy of his appeal to the Council will be pleased to see that under most offending and insulting methods adopted by the Municipal Health Officer, this appellant collected unusual patience, behaved with the least offence and submitted himself to the most humiliating treatment offered in the presence of the whole Health Staff with extraordinary tolerance and spirit of obedience.

That your Appellant most humbly submits that the observation of the Municipal Health Offi-

cer in his order H.Dis.1084/H.1/39 terminating appellant's Ag. vacancy as Sanitary Inspector that "neither the work or conduct of Mr. M.J. Pinto is satisfactory" is unwarranted, unjustified and without any valid reason whatsoever and is likely to ruin appellant's future prospects and career and the more so Health Officer's remarks about appellant's character which has always been - even under most offending circumstances - above board and beyond any scope for adverse comments. Appellant need haruly subr it in all humility that in robbing his character he is robbed of an asset which neither money nor influence could ever purchase and as such the greatest injustice has been done to him most deliberately. Appellant has explained in detail the charge of the Municipal Health Officer about the Barracks apparatus and the chlorination of wells in his appeal to the Council. (Copy submitted enclosed). The motive behind this charge will be patent when it is remembered that a statement is taken on this charge is framed just a day before the expiry of the Sanitary Inspector's original leave.

In these circumstances, Appellant most respectfully implores that Government may be pleased to send for the connected papers and to direct that the termination of his services as Sanitary Inspector for no valid reason whatsoever by the Municipal Health Officer, be cancelled and he be allowed to continue in the acting vacancy until it lasts and the words attacking his character be deleted from the order, appealed against.

For which act of justice and mercy, appellant shall ever feel grateful,

Mangalore,
11-8-1939.

Mangalore, 19-8-1939.

To

The Secretary

Government of Madras,

Local Self-Government Department

Fort St. George,

Madras.

Respectfully submitted through

The Municipal Health Officer and

The Commissioner,

Mangalore Municipality.

Supplemental appeal memo submitted by M.J. Pinto, Registrar of Births and Deaths, Mangalore Municipality.

Honoured Sir,

In my appeal petition dated the 11th August, 1939, submitted through the Commissioner, Mangalore Municipality I had referred to certain querries that came up for before the Municipal Council in consequence of an outsider being appointed in preference to me as Ag. Sanitary Inspector The Council did not approve of the appointment and the answers that were then elicited on the floor of the house would convince Government that there was really nothing against me to disqualify me but when a superior official wants to damn a helpless subordinate, much is not after all required, to have his object gained. I thus became an innocent, yet a helpless target of attack over and above being allowed to be over-stepped by any outsider.

There were no charges against me - not even an explanation called for - nothing - absolutely nothing on

on record. The Health Officer and the executive takes shelter under the plea no charge need be framed while on probation.

If this dictum is approved no probationer could or would be safe from his superior's wrath, when he chooses to condemn the latter.

Now that my appeal is submitted through the executive officials and it is open to them to say anything in defending their action. Any truthful complaint and allegation can be denied with impunity. If an opportunity is afforded to me in the interest of justice, I hope to be able to substantiate the allegations I have made.

I have abundant trust in the Congress Government and that even the poorest menial will not be denied justice for the sake of safeguarding the prestige of any official. I feel confident prestige will not over-ride justice in the regime of this popular justice and poor man's Government.

I beg to remain,

Honoured Sir,

Your most obedient servant,

The Sworn Affidavit from Piadade Lawrence D'Souza.

I, Piadade Lawrence D'Souza, son of Mr. J.L.D'Souza, Roman Catholic by caste, aged about 37 years, Clerk in Joe Tile Works, and residing in Codialbail, Mangalore, do make oath and say as under:-

I am a Clerk in the Joe Tile Works, Mangalore.

I wanted some rat poison and for that purpose I had been to the Municipal Health Office on some date in the evening in the month of October 1938 and was waiting to get the baits in the 3rd room where the vaccinators sit and suddenly heard the Municipal Health Officer, Dr. Subbaraya Baliga, Mangalore, talking in a angry and loud tone and soon found him chasing from his room to the middle room and further to the room where I was standing one Birth and Death Registrar by name Mr.L.J.Pinto with marked steps.

I saw the aforesaid Pinto moving from room to room quietly followed by the Municipal Health Officer. I was present till Mr. Pinto went out and while Municipal Health Officer returned to his room.

All this is true.

Dated at Mangalore this day of September, 193

(True Copy).

The Sworn ~~xxxx~~ Affidavit from B.S.Ibrahim Saheb.

I, B.S. Ibrahim Saheb, son of B. Mahommed Hayeth, Muslim, aged about 26 years, Timber Merchant, residing at Bolar, Mangalore, do make oath and say as under:-

1. I had been to the Municipal Health Office some time in the month of October 1938 and was waiting in the Sanitary Inspector's room, waiting to meet the Ward Inspector to complain about the scavenger. At about 6 P.M., when I heard an angry noise in the room occupied by the Health Officer. Soon after that I saw Registrar of Births and Deaths Mr.M.J. Pinto coming out of the room followed by the Municipal Health Officer, who actually drove him from room to room, until Mr.Pinto walked out of the building.

All this is true.

Dated at Mangalore this 20th day of September, 1939.

(True Copy).

Minister for Education

Fort St. George,
16th October 1939.

Dear Dr. Rajan,

When I went to Mangalore, the enclosed petition was presented to me. Having gone through the papers, I am convinced that a certain amount of injustice has been done to the petitioner, M.J. Pinto. The Health Officer of Mangalore Municipality has become very unpopular in Mangalore by his conduct, and I understand from H.M., L.A, that there is a proposal to transfer him from there. I shall be thankful if you will kindly do justice to this man.

Yours sincerely,

G. Durairaj.

The Hon'ble Dr. T.S.S. Rajan,
Minister in charge of Public Health Department,
Fort St. George.

43468

Secretary, P.H.

I went into this question at great length and had also talked to Col. Ganapathi regarding this matter. I don't think the case deserves to be looked into again. The officer referred to is going to be transferred not for any fault of his but that he has done three years service in that locality. I don't think any injustice has been done to this man. Please let me know whether anything further could be done.

17.10.39

H.M.(P.H.)

SECRETARY, EDN. AND P. H. DEPTT. 18 OCT 1939 GOVERNMENT OF MADRAS

E.&P.H.

Please see paras 1 and 2 of the Commr's report on pp 7-9c. The appeal is against the order of the Health Officer dated 24-7-'39, terminating the probation of the appellant as a Sanitary Inspector and reverting him to the Births and Deaths Registrar's place. Under Sec. 14 of the M.P.H. Act, the H.O. is the punishing authority; and in so far as the procedure re: appeals is concerned, the rules in G.O. No. 3648 L.S.G. dated

18.8.36 are to be followed. With reference to rule 8(1)(a) of the rules in this Govt., no appeal does lies to Govt. in this case, as pointed out by the Commr. ~~Commissioner~~ The Commr. states that the Govt may decline to interfere in the matter and the chairman also states that the petition deserves to be rejected. ~~As no appeal lies to Govt. under the rules,~~ As the petitioner does not seem to deserve any consideration nothing further ~~can, it seems,~~ need be done in this case. The petitioner may be informed that ~~no appeal lies to~~ Govt. decline to interfere in the matter.

2 The case may be circulated to H.M.E (P.H.) before orders are issued finally.

(The Health Officer, Mangalore Municipality, is the transferring authority from the place only in May 1938. Vide G.O. No 3570 P.H. Dated the 2nd Oct 1939.)

20.10.38

3. The file may be sent

p 4 of P.

p 8 cf

p 10 cf

p 10 cf

Under rule 8 (2) of the rules on p. 4 of G.O. no. 3644 L.D.C., 8.12.86, it is open to the Govt. to call for the records in this case & pass such orders as may be deemed fit. The question of providing for appeals even in this case of probationers is under consideration in L.A.

(rules not yet confirmed in L.A)

Dr. M.H.S. ... the transfer of the Asst. Director

to L. A. for perusal & remarks before circulation.

23.10.39.

SMY
23/10/39
S.

L.A. / 23.X.39

S. 23/10

Estts. 33304-2 E&A
23-10-39

L. A. Deptt
CN. JS 486 A
recd.

A draft amendment to the punishment rules will be published shortly providing for appeals against the termination of the probation of the servants of mpl cls and dt boards. The amendment is likely to be confirmed only after two months. This case may be perused and returned to E & P H.

RN
25/X/39.

TM
25-10-39

Zhn 24/10

for E & PH

E & P H.

JS 486 (A-1 A2)
28.X.39.
KS
30/X

45151

30 OCT 1939

Ex 84

A draft order is submitted for approval (Need not be circulated)

5/11

9.11.89

6.11.89

7.11.89

29
7/11

Confd

p1 cf Cno 33304 from M. J. Pinto, Births and Deaths Registrar, Mangalore Municipality Petn. dated 11-8-39

Cno 37563 from the Commr. Mangalore Municipality, 12607 A-1-39 8-8-39.

p1 cf

p22 cf Cno 39534 from M.J. Pinto, letter 15/8/39

p26 cf Cno 42124 ——— do ——— do ———

p39 cf Estt. 13784/35 d. 7/11/39

Appeal — Mangalore Municipal Council — M. J. Pinto, Births and death Regr. — Against Termination of probation as Sanit. Inspr. Interference declined.

Govt/Ms. No 119 P-H.D. 7-11-39

The Govt. decline to interfere in the matter.

To The Petnr. (Thro The Commr Mangalore Mc)

" Commr. Mangalore Mc (Thro' The Asst Mangalore)

6-11-39

6-11-39

7/11